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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-553

13 **TAHRA SHALLOO**

14 805 Temple Terrace Apt. 210
15 Los Angeles, CA 90042

DEFAULT DECISION AND ORDER

16 Registered Nurse License No. 651344

[Gov. Code, §11520]

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about January 17, 2013, Complainant Louise R. Bailey, M.Ed., R.N., in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs, filed Accusation No. 2013-553 against Tahra Shalloo (Respondent) before the
23 Board of Registered Nursing. (Accusation attached as Exhibit A.)

24 2. On or about January 25, 2005, the Board of Registered Nursing (Board) issued
25 Registered Nurse License No. 651344 to Respondent. The Registered Nurse License expired on
26 April 30, 2006, and has not been renewed.

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1 3. On or about January 17, 2013, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2013-553, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is:

7 805 Temple Terrace Apt. 210
8 Los Angeles, CA 90042.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. As of February 19, 2012, neither the Certified Mail nor the First Class Mail
13 referenced in paragraph 3 were returned by the U.S. Postal Service as undeliverable.

14 6. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-
22 553.

23 8. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 2013-553, finds
2 that the charges and allegations in Accusation No. 2013-553, are separately and severally, found
3 to be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$570.00 as of February 19, 2013.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Tahra Shalloo has subjected her
9 Registered Nurse License No. 651344 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
12 Nurse License based upon the following violations alleged in the Accusation which are supported
13 by the evidence contained in the Default Decision Evidence Packet in this case.

14 a. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
15 the Code in that Respondent was disciplined by the State of Rhode Island and Providence
16 Plantations Department of Health Health Services Regulation Board of Nurse Registration and
17 Nursing Education ("Rhode Island Board"). Specifically, on or about May 5, 2011, the Rhode
18 Island Board ratified a Consent Order and placed Respondent on probation for 3 years, with terms
19 and conditions, in the disciplinary matter entitled *State of Rhode Island and Providence*
20 *Plantations Department of Health and Health Services Regulation Board of Nurse Registration*
21 *and Nursing Education v. Tahra Shalloo, RN (RN37276)*. The circumstances underlying the
22 disciplinary action by the Rhode Island Board are that on or about September 27, 2012, the Rhode
23 Island Board ratified a Consent Order and placed Respondent on probation for 3 years, with terms
24 and conditions, in the disciplinary matter entitled *State of Rhode Island and Providence*
25 *Plantations Department of Health and Health Services Regulation Board of Nurse Registration*
26 *and Nursing Education v. Tahra Shalloo, RN (RN37276)*. The circumstances underlying the
27 disciplinary action by the Rhode Island Board are that Respondent acknowledged being in
28 treatment for a substance problem.

1 b. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
2 Code on the grounds of unprofessional conduct in that Respondent was in treatment for a
3 substance abuse problem. The conduct is described in more particularity in Accusation No. 2013-
4 553, hereby incorporated by reference.

5 c. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
6 Code as defined in section 2762, subdivision (b) of the Code in that Respondent used controlled
7 substances, dangerous drugs or alcoholic beverages, to an extent or in a manner dangerous or
8 injurious to herself, others or the public. The conduct is described in more particularity in
9 Accusation No. 2013-553, hereby incorporated by reference.

10 d. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
11 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
12 described in more particularity in Accusation No. 2013-553, hereby incorporated by reference.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 651344, heretofore issued to Respondent Tahra Shalloo, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MAY 23, 2013.

It is so ORDERED APRIL 23, 2013.



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51243926.DOC
DOJ Matter ID: LA2012508251

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2013-553**

11 **TAHRA SHALLOO**

12 805 Temple Terrace Apt. 210
13 Los Angeles, CA 90042

14 Registered Nurse License No. 651344

15 Respondent.

A C C U S A T I O N

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 25, 2005, the Board of Registered Nursing issued Registered
23 Nurse License Number 651344 to Tahra Shalloo ("Respondent"). The Registered Nurse License
24 expired on April 30, 2006, and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

1 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason
3 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
5 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
6 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code
7 provides, in pertinent part, that the Board may renew an expired license at any time within eight
8 years after the expiration.

9 6. Section 118, subdivision (b), of the Code also provides that the suspension,
10 expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to
11 proceed with a disciplinary action during the period within which the license may be renewed,
12 restored, reissued or reinstated.

13 7. California Code of Regulations, title 16, section 1419.3 provides:

14 “In the event a licensee does not renew his/her license as provided in
15 Section 2811 of the code, the license expires. A licensee renewing pursuant to this
16 section shall furnish a full set of fingerprints as required by and set out in section
1419(b) as a condition of renewal.

17 (a) A licensee may renew a license that has not been expired for more
18 than eight years by paying the renewal and penalty fees as specified in Section 1417
and providing evidence of 30 hours of continuing education taken within the prior
two-year period.

19 (b) A licensee may renew a license that has been expired for more than
20 eight years by paying the renewal and penalty fees specified in Section 1417 and
21 providing evidence that he or she holds a current valid active and clear registered
nurse license in another state, a United States territory, or Canada, or by passing the
Board's current examination for licensure.”

22 8. Section 2761 of the Code states:

23 “The board may take disciplinary action against a certified or licensed
24 nurse or deny an application for a certificate or license for any of the following:

25 (a) Unprofessional conduct, which includes, but is not limited to, the
26 following:

26 ...

27 (4) Denial of licensure, revocation, suspension, restriction, or any other
28 disciplinary action against a health care professional license or certificate by another
state or territory of the United States, by any other government agency, or by another

California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

9. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the State of Rhode Island)

11. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of the Code in that Respondent was disciplined by the State of Rhode Island and Providence Plantations Department of Health Health Services Regulation Board of Nurse Registration and Nursing Education ("Rhode Island Board"), as follows:

12. On or about May 5, 2011, the Rhode Island Board ratified a Consent Order and placed Respondent on probation for 3 years, with terms and conditions, in the disciplinary matter entitled *State of Rhode Island and Providence Plantations Department of Health and Health*

1 *Services Regulation Board of Nurse Registration and Nursing Education v. Tahra Shalloo, RN*
2 *(RN37276)*. The circumstances underlying the disciplinary action by the Rhode Island Board are
3 that Respondent acknowledged being in treatment for a substance problem.

4 13. On or about September 27, 2012, the Rhode Island Board ratified a Consent Order
5 and placed Respondent on probation for 3 years, with terms and conditions, in the disciplinary
6 matter entitled *State of Rhode Island and Providence Plantations Department of Health and*
7 *Health Services Regulation Board of Nurse Registration and Nursing Education v. Tahra*
8 *Shalloo, RN (RN37276)*.¹ The circumstances underlying the disciplinary action by the Rhode
9 Island Board are that Respondent acknowledged being in treatment for a substance problem.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 14. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
13 Code on the grounds of unprofessional conduct in that Respondent was in treatment for a
14 substance abuse problem. The conduct is described in more particularity in paragraphs 12 and 13
15 above inclusive and hereby incorporated by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Drug Related Transgressions)**

18 15. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
19 Code as defined in section 2762, subdivision (b) of the Code in that Respondent used controlled
20 substances, dangerous drugs or alcoholic beverages, to an extent or in a manner dangerous or
21 injurious to herself, others or the public. The conduct is described in more particularity in
22 paragraphs 12 and 13 above inclusive and hereby incorporated by reference.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Violations of Nursing Practice Act)**

25 16. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
26 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are

27 ¹ These probationary terms and conditions differed slightly from the terms and conditions contained in the
28 May 5, 2011, Consent Order.

described in more particularity in paragraphs 11 through 15 above, inclusive and hereby incorporated by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 651344, issued to Tahra Shalloo;

2. Ordering Tahra Shalloo to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: JANUARY 17, 2013

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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